

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SOUTHERN ELECTRICAL)
RETIREMENT FUND) No. 3-10-0264
)
v.)
)
SPIGNER ELECTRIC COMPANY,)
INC.; and SHERRILL KEITH)
SPIGNER)

O R D E R

By notice issued contemporaneously with the filing of the complaint and presumably served on the defendants with the summons and complaint, the initial case management conference was scheduled on April 26, 2010. Upon plaintiff's request, the initial case management conference was rescheduled, by order entered April 6, 2010 (Docket Entry No. 4), on April 19, 2010. No appearance was made by the defendants at the initial case management conference,¹ at which time plaintiff's counsel advised that he intended to seek injunctive relief against the defendants.

The defendants have not filed a response to the complaint, although summons for defendant Spigener Electric Company, Inc. were served on the wife of defendant Keith Spigener on March 26, 2010. See Docket Entry No. 6.

On June 8, 2010, the plaintiff filed a motion for order to show cause (Docket Entry No. 10).

The defendants shall have until July 6, 2010, to file a response to the plaintiff's motion.

¹ The April 6, 2010, order was mailed to the defendants by certified mail and regular mail at the address listed on the summons. However, that address was apparently an old address. The April 6, 2010, order was remailed to the defendants at a new address and received by Justin Spigener on May 1, 2010, see Docket Entry No. 9, after the April 19, 2010, initial case management conference. However, the summons for Spigener Electric Company, Inc. and presumably the notice of the originally scheduled initial case management conference were personally served on the wife of defendant Keith Spigener on March 26, 2010, at the new address, so, at a minimum the defendants had notice of the April 26, 2010, date and the defendants made no appearance on that date either.

The Clerk is directed to forward the file in this case to the Honorable Robert L. Echols for his consideration of the plaintiff's motion for order to show cause (Docket Entry No. 10), and any response to be filed by the defendants no later than July 6, 2010.

Inasmuch as the defendants did not appear at the initial case management conference, have not filed a response to the complaint, and have not communicated with the Court in any form or fashion, it appears that they do not intend to enter an appearance in this case or otherwise defend this action.

Therefore, unless otherwise directed by the Court or upon motion of the parties, there will be no further proceedings before the Magistrate Judge in this case.

The Clerk is directed to mail a copy of this order to the defendants at 404 Laurel Creek Road, Titus, Alabama 36080, by regular, first class mail and by certified mail.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge